

21 C.J.S. Courts § 155

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Courts

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IV. Terms and Sessions

D. Other Matters

§ 155. Designation or assignment of judges—Assignment of cases and jurisdiction of courts

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A specified judicial officer may have authority to assign cases to particular judges of the court, but defendants do not have the right to have their cases heard by a particular judge; district judges have the inherent power to transfer cases from one to another for the expeditious administration of justice.

A specified judicial officer may have authority to assign cases to particular judges of the court¹ or to disqualify a judge from hearing or transferring cases.² However, a chief judge's broad authority to assign cases in a district does not authorize the judge to sit as a quasi-appellate court and review the decisions of other judges in the district by taking their cases through reassigning them because of a disagreement with the substance of their rulings.³ The chief judge of a federal circuit is not required to poll all district and circuit judges before certifying the need for an out-of-circuit judge to preside over a criminal prosecution.⁴ Cross assignments between court levels are to be used to aid and assist and are not to be used to redesignate the jurisdiction of the respective courts.⁵ Each judge of a multidistrict court has the same power and authority as each other judge.⁶

Judicial economy is a factor in assigning a case to a particular judge⁷ and is a proper purpose to justify rotating judicial assignments.⁸ However, a defendant does not have the right to have the case heard by a particular judge⁹ or the right to have any particular procedure used for selecting a hearing judge,¹⁰ nor does the defendant enjoy the right to have a judge selected by a random draw.¹¹ Furthermore, a defendant has the right to an impartial judge but does not have the right to have the case heard before any particular judge.¹² A defendant's conviction under a state court judicial assignment system that effectively allows the prosecution to select the judge does not necessarily deprive the defendant of a neutral and impartial judge presiding

at trial¹³ and does not contravene due process absent a showing of actual prejudice to the defendant.¹⁴ However, a random or rotating assignment that is required for capital and other felony cases may violate due process.¹⁵

District judges have the inherent power to transfer cases from one to another for the expeditious administration of justice.¹⁶ Permissible reasons to authorize a transfer from a district court judge who is initially assigned to a case are not limited to death, sickness, or other disability, as cited in a procedural rule¹⁷ providing for a judge's replacement if the judge cannot continue the trial, inasmuch as courts have a broad statutory grant of power¹⁸ to devise a system for dividing court business among the judges.¹⁹

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Footnotes

- 1 U.S.—*Cruz v. Abbate*, 812 F.2d 571 (9th Cir. 1987).

Mo.—*Jones v. Chrysler Corp.*, 731 S.W.2d 422 (Mo. Ct. App. S.D. 1987).

Posttrial decision to reassign case
U.S.—*U.S. v. Casas*, 425 F.3d 23 (1st Cir. 2005).
- 2 Okla.—*Graham v. Cannon*, 1978 OK 9, 574 P.2d 305 (Okla. 1978).
- 3 U.S.—*In re McBryde*, 117 F.3d 208 (5th Cir. 1997).
- 4 U.S.—*U.S. v. Claiborne*, 870 F.2d 1463 (9th Cir. 1989).
- 5 Fla.—*Crusoe v. Rowls*, 472 So. 2d 1163 (Fla. 1985).
- 6 U.S.—*U.S. v. Diaz*, 189 F.3d 1239 (10th Cir. 1999), as amended on denial of reh'g and reh'g en banc, (Oct. 15, 1999).
- 7 U.S.—*U.S. v. Todd*, 245 F.3d 691 (8th Cir. 2001).
- 8 U.S.—*U.S. v. Diaz*, 189 F.3d 1239 (10th Cir. 1999), as amended on denial of reh'g and reh'g en banc, (Oct. 15, 1999).
- 9 U.S.—*U.S. v. Colon-Munoz*, 292 F.3d 18 (1st Cir. 2002).
- 10 U.S.—*U.S. v. Colon-Munoz*, 292 F.3d 18 (1st Cir. 2002).
- 11 Tenn.—*State v. Thomas*, 158 S.W.3d 361 (Tenn. 2005).
- 12 Neb.—*State v. Braesch*, 292 Neb. 930, 874 N.W.2d 874 (2016).
- 13 U.S.—*Francolino v. Kuhlman*, 365 F.3d 137 (2d Cir. 2004); *Tyson v. Trigg*, 50 F.3d 436 (7th Cir. 1995).
- 14 U.S.—*Francolino v. Kuhlman*, 365 F.3d 137 (2d Cir. 2004).
- 15 U.S.—*State v. Simpson*, 551 So. 2d 1303 (La. 1989).
- 16 U.S.—*U.S. v. Diaz*, 189 F.3d 1239 (10th Cir. 1999), as amended on denial of reh'g and reh'g en banc, (Oct. 15, 1999).
- 17 Fed. R. Crim. P. 25.

18 28 U.S.C.A. § 137.

19 U.S.—U.S. v. Diaz, 189 F.3d 1239 (10th Cir. 1999), as amended on denial of reh'g and reh'g en banc, (Oct. 15, 1999).

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